

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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PARTNERSHIP FOR CHILDREN'S RIGHTS

Plaintiff,

- against -

**STIPULATION OF
SETTLEMENT AND
DISMISSAL OF
PLAINTIFF'S CLAIMS**

New York City Department of Education,

17-cv-7015

Defendant.
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WHEREAS, P.K. commenced an administrative proceeding on behalf of her minor son, A.K., on or about August 7, 2013 pursuant to the Individuals With Disabilities Education Improvement Act, 20 U.S.C. § 1400 *et seq.*, concerning the 2012-2013 school year, which was designated Impartial Hearing ("IH") Case No. 145810;

WHEREAS, after a hearing on the merits, an Impartial Hearing Officer issued a decision on December 4, 2014 for IH Case No. 145810 pertaining to the 2012-2013 school year awarding relief to P.K.;

WHEREAS, on December 1, 2017, the law firm Partnership for Children's Rights ("PFCR") (the "Plaintiff") commenced this action in federal court against Defendant New York City Department of Education seeking attorneys' fees and related costs incurred in connection with the administrative proceeding designated as IH Case No. 145810 and this federal action;

WHEREAS, Defendant New York City Department of Education denies any and all liability arising out of Plaintiff's allegations; and

WHEREAS Plaintiff and Defendant New York City Department of Education (collectively, the "Parties") now desire to resolve the issues of attorneys' fees and related costs

and expenses arising out of IH Case No. 145810 and this federal action without further proceedings, on terms and conditions that are just and fair to the Parties;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the Parties, through the undersigned, as follows:

1. In consideration of payment of the sum set forth in paragraph "2" below, this federal action is hereby dismissed with prejudice as to Plaintiff without fees, costs, or expenses in excess of the amounts specified in paragraph "2".

2. The City of New York shall pay FORTY-THREE THOUSAND THREE HUNDRED DOLLARS AND ZERO CENTS (\$43,300.00) in full satisfaction of all claims for attorneys' fees, costs, and expenses, incurred or accrued in connection with the proceedings at the administrative and federal levels associated with A.K.'s 2012-2013 school year, including IH Case No. 145810 and this federal action.

3. Such payment of the amount specified in paragraph "2" will be made by check payable to "Partnership for Children's Rights", and mailed to Partnership for Children's Rights, c/o Todd Silverblatt, at 271 Madison Avenue, 17th Floor, New York, New York 10016.

4. In consideration of the payment of the sums set forth in paragraph "2", Plaintiff and P.K. agree to the dismissal of all of their claims against Defendant New York City Department of Education, and to hereby release and discharge Defendant New York City Department of Education and the City of New York, and their successors and assigns, and all past and present officials, employees, departments, agencies, representatives, directors, and agents of the City of New York and/or the New York City Department of Education from any and all liability, claims, and/or rights of action arising from or relating to any claims that Plaintiff or P.K. may have for costs, expenses, and/or attorneys' fees incurred or accrued in connection

with A.K.'s 2012-2013 school year, including IH Case No. 145810, and this federal action.

5. Upon execution of this Stipulation and Order, Plaintiff and P.K. shall each execute separate Releases based upon the terms of paragraphs "2" and "3" above, Plaintiff shall complete a substitute W-9 form, and PFCR shall promptly provide these Releases and the substitute W-9 form to Defendant's undersigned counsel.

6. Payment of the amount specified in paragraph "2" is conditioned upon delivery of all documents reasonably necessary to effectuate this Stipulation and Order described in paragraph "5".

7. Nothing contained herein shall be deemed to be an admission by the New York City Department of Education that it has in any manner or way violated Plaintiff's rights, P.K.'s rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules, or regulations of the United States, the State of New York, the City of New York, or the New York City Department of Education, or any other rule, regulation, or bylaw of any department or subdivision of the City of New York or the New York City Department of Education.

8. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York or the New York City Department of Education.

9. This Stipulation and Order shall not be admissible in, nor is it related to, any other litigation, proceeding, or settlement negotiation, except as may be necessary to enforce its terms.

10. This Stipulation and Order contains all of the terms and conditions agreed upon by the Parties, and no oral agreement entered into at any time, nor any written agreement entered into prior to the execution of this Stipulation and Order, regarding the subject matter of the instant proceeding shall be deemed to exist, to bind the Parties hereto, or to vary the terms and

conditions contained herein.

11. Nothing contained herein shall be deemed to be an agreement or admission by the New York City Department of Education or the City of New York as to the reasonableness of the number of hours billed or the hourly rates claimed by Plaintiff.

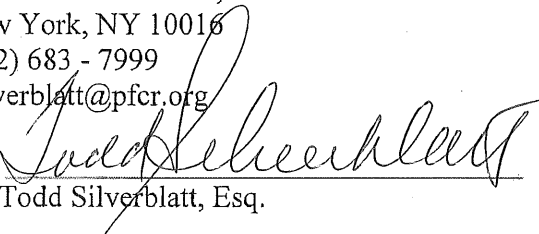
12. The Stipulation is final and binding on all Parties, as well as their successors and assigns.

13. This document may be executed in subparts, and, whether or not it is executed in subparts, a signature received by facsimile or electronic mail shall have the same force and effect as an original signature.

Dated: New York, New York
March 8, 2018

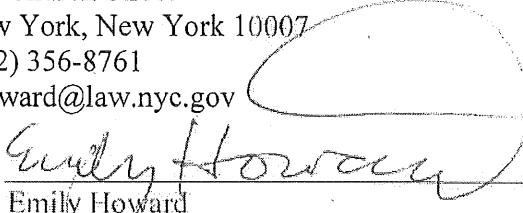
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SO ORDERED:

Hon. Nina Gershon
United States District Judge